

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAMELA COLEMAN, individually, and on
 behalf of all others similarly situated,

 Plaintiffs,
 vs.
 CIRCUS CIRCUS CASINOS, INC., et al.,

 Defendants.

Case No. 2:04-cv-00747-PMP-GWF

FINDINGS & RECOMMENDATIONS

This matter is before the Court on the status hearing scheduled in the Order and Findings & Recommendations (#139), filed on September 14, 2006. Pursuant to this prior order, the Court directed Plaintiffs' counsel to communicate with Plaintiff Edward Andalia regarding whether he desires to pursue the prosecution of his claim in this matter and, if so, advising him that he needs to submit to a deposition by Defendants. Plaintiffs' counsel represented to the Court on September 25, 2006 that a certified letter was sent to Mr. Andalia as directed by the Court and that Mr. Andalia has not picked up the certified letter from the post office and has not further communicated with Plaintiffs' counsel to express any desire or interest in further prosecuting his claim in this case. Accordingly,

RECOMMENDATION

IT IS HEREBY RECOMMENDED that Plaintiff EDWARD ANDALIA's claim be dismissed with prejudice, each party to bear their own fees and costs herein.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in

1 writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the
2 courts of appeal may determine that an appeal has been waived due to the failure to file objections
3 within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1)
4 failure to file objections within the specified time and (2) failure to properly address and brief the
5 objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues
6 from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*
7 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

8 DATED this 25th day of September, 2006.

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11 GEORGE FOLEY, JR.
12 U.S. MAGISTRATE JUDGE
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